Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 9 - 0 0 0 0 7 - 5 6 2 0 - 1 4 5	Date: 1/5/09	Time: 1435 hours	
Location: 29310 The Old Road	City or Station: Castaic, 91384		
Bureau/Station/Facility: Custody Division / PDC-East Facility	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Takedown / Impact weapon / Personal weapon			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Alicia Ault	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Schaefer	Gregory	S.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	PDC East Facility	Prowl 3

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'06"	172

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Alatorre	Eduardo	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	PDC East Facility	Prowl 4

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'03"	160

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	PDC East Facility	Dorm 324 & Court Movement

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'01"	215

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Nagelmann	Daniel	E.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Konecny	Michael	S.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	McMaster	Christopher	J.

Sgt. Christopher McMaster — [signature] — [redacted] — 4/7/09
Watch Commander (Print Name) — Watch Commander's Signature: — Emp #: — Date

Sgt. Daniel Nagelmann — [redacted] — Sgt. D. Nagelmann/113 — 4/29/09
Supervisor Completing Form: (Print Name) — Emp #: — Copy Provided to Employee by: — Emp #:

Joaquin J. Herran — [signature] — [redacted] — 4/29/09
Unit Commander (Print Name) — Unit Commander's Signature: — Emp #: — Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

PDE # 2235440

Given 11-10-09 2353

Contents D. Rodriguez Noted

2-CD

75

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 9 - 0 0 0 0 7 - 5 6 2 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Eldridge	Jason	J.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	PDC- East Facility	Facility Maintenance

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'02"	190

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	PDC- East Facility	Kitchen Deputy

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'11"	185

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 0 0 0 7 - 5 6 2 0 - 1 4 5

Suspect Information

S 1

Last Name: Fabela | First Name: Erick | Middle Name: Manuel

AKA Last Name: Fabela | First Name: Ivan | Middle Name:

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: None | Home Phone: [redacted] | Age: 29 | Height: 5'11" | D.O.B. 03-18-79 | Weight: 220 | Armed? [ ]

Booking #: 1656879 | Primary Charge Code: 245(a)(1)pc | Secondary Charge Code: 3056PC | Criminal History [redacted]

EMT in attendance? [ ] YES [X] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: PDC East Facility Clinic | Coroner Case #: ______ | Mental History [ ]

By Doctor: Nurse G. Lopez RN | Address: 29310 The Old Road | Phone #: (661) 295-8815

Under Influence: [ ] YES [X] NO Substance: ______ | Mental Illness [ ]

Suspect Interview

Date: 01-05-09 | Time: 1943 hrs | Audiotape: [ ] | Videotape: [X] | Photos of Injuries: [X]

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [ ] NO Substance: ______ | Mental Illness: [ ]

Suspect Interview

Date: | Time: | Audiotape: [ ] | Videotape: [ ] | Photos of Injuries: [ ]

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [ ] NO Substance: ______ | Mental Illness [ ]

Suspect Interview

Date: | Time: | Audiotape: [ ] | Videotape: [ ] | Photos of Injuries: [ ]

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
009-00007-5620-145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	De Casas	Adrian	
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Nelson	Todd	M.
[redacted]	Schnereger	Jonathan	

Non-Employee Witnesses

Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: None	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: None	Home Ph.: None
Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.:	Home Ph.: [redacted]
Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: [redacted]	D.O.B.: [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: Unknown	Home Ph.: Unknown
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:
Last Name:	First Name:	Middle Name:	Age:	D.O.B.:
Street Address:	City:	Zip Code:	Work Ph.:	Home Ph.:

☐ Additional Witness

Supervisor's Report on Use of Force

00 - 00007 - 5620 - 1 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Fabela, Erick	S#1	Schaefer, Gregory	E#1	RS / UC	NN	
Schaefer, Gregory	E#1	Fabela, Erick	S#1	PO	NN	
Fabela, Erick	S#1	Schaefer, Gregory	E#1	RS/PK	RF	
Schaefer, Gregory	E#1	Fabela, Erick	S#1	PO	NN	
Fabela, Erick	S#1	[redacted]	E#3	PH	RF	
Schaefer, Gregory	E#1	Fabela, Erick	S#1	FL	CP/FR	AK
Alatorre, Eduardo	E#2	Fabela, Erick	S#1	PO	CP	AD
[redacted]	E#3	Fabela, Erick	S#1	PH	CP/BR	FA/HE

Force Applied

TAKEDOWN / IMPACT WEAPON / PERSONAL WEAPONS / SUSPECT INJURED

Incident Details

At approximately 1435 hours, the inmates from Dorm 335 were walking through the main hallway to the outside exercise yard. Inmate Fabela, Erick (#1656879) was stopped by Deputy Alatorre [redacted] for having his pants rolled up (jail violation). He was told to face the wall by Deputy Alatorre. Deputy Schaefer, who was also present, told Inmate Fabela to place his hands behind his back. Deputy Schaefer approached Inmate Fabela and had him step away from the wall (approximately 3 to 4 feet). Inmate Fabela complied and Deputy Schaefer grabbed Inmate Fabela's hands to perform a pat down search. Deputy Schaefer told Inmate Fabela to spread his feet apart several times, however, he only spread his legs slightly apart. Due to Inmate Fabela's height and weight advantage (5'10" / 215-225 pounds), Deputy Schaefer ordered him to spread his legs farther apart.

Deputy Alatorre approached Inmate Fabela's left side and grabbed his left arm to take control of him. He ordered Inmate Fabela to spread his feet apart. Inmate Fabela did not comply with Deputy Alatorre's orders. Deputy Schaefer maintained his grip on Inmate Fabela's hands. Deputy Alatorre used his right foot to push Inmate Fabela's left foot in an attempt to open his stance farther apart. Inmate Fabela began to turn and spin toward his left side. Fearing Inmate Fabela was pulling away to possibly fight, Deputy Schaefer placed his right hand on Inmate Fabela's right shoulder and took him to the ground. Inmate Fabela's momentum, generated by spinning to the left, assisted Deputy Schaefer taking Inmate Fabela to the ground. Inmate Fabela immediately placed both of his hands under his chest and started kicking his legs towards the deputies. Deputy Alatorre attempted to pull Inmate Fabela's left arm away from his body so the deputies could handcuff him. However, Deputy Alatorre was unsuccessful. Fearing that Inmate Fabela was either trying to conceal or retrieve a weapon, Deputy Alatorre used several right knee strikes to Inmate Fabela's rib section in an attempt to pull his hands free. Inmate Fabela continued to resist by concealing his hands under his chest and was attempting to kick both Deputy Schaefer and Deputy Alatorre.

Deputy Schaefer used his radio to broadcast a "415 Deputy." Deputy [redacted], who was several feet away from the incident, responded to the noise of a struggle. He saw Inmate Fabela attempting to kick Deputy Schaefer. Deputy [redacted] ordered Inmate Fabela to stop fighting, but he refused. Deputy [redacted] placed his left knee on the right side of Inmate Fabela's back in an attempt to gain control of his upper body. Inmate Fabela swung his arm and hit Deputy [redacted] right leg. As Inmate Fabela continued to kick his legs around in an assaultive manner, Deputy [redacted] punched Inmate Fabela in the left face area and head approximately four times in attempt to stop his attack.

Deputy Schaefer was kicked once in the upper right arm. Deputy Schaefer then hit Inmate Fabela in the left hamstring and calf area with his flashlight approximately 4 to 5 times to stop him from kicking. One of the flashlight strikes inadvertently hit Inmate Fabela's left ankle. Inmate Fabela stopped kicking. Deputy Schaefer placed his arms around Inmate Fabela's legs to prevent him from getting up and/or assaulting other deputies. Custody Assistant Jason Eldridge [redacted] arrived and placed his hands on Inmate Fabela's ankles to assist Deputy Schaefer with securing Inmate Fabela's legs. Deputy [redacted] also arrived during this time. Deputy [redacted] saw Inmate Fabela's head and shoulders were not secured and that he (Fabela) was repeatedly lifting his head up and down while deputies were struggling to handcuff him.

Deputy [redacted] used the palm of his left hand and pressed down onto the left side of Inmate Fabela's face. Deputy [redacted] held his face firm against the ground. Deputy [redacted] could feel Inmate Fabela trying to lift his head as Inmate Fabela yelled unknown words. Inmate Fabela eventually stopped fighting saying, "I'm done! I'm done!" He then complied with the deputies' orders to be handcuffed.

Deputies [redacted] and Alatorre handcuffed Inmate Fabela. No further force was used by deputy personnel. Inmate Fabela was escorted to the Module 362 by Deputy [redacted] and then to the PDC East Infirmary. He was treated for swelling to his left ankle and swelling to his left cheek. Inmate Fabela was transferred for discipline housing at NCCF pending further medical evaluation on 01-06-09. IAB Lieutenant Ault [redacted] was notified of the incident at approximately 1855 hours on January 5, 2009.

Reported Use of Force by Involved Employee(s)

I reviewed the Closed Circuit Television (CCTV) footage of the incident from two camera angles. The footage from the East Hallway camera is extremely far away and grainy. The far East Hallway camera next to the Dorm 327 also shows part of the incident. Each camera angle shows a partial view of the incident.

Based on the deputies verbal notification to me and their memo's, their reported use of force appears to be consistent. Due to Inmate Fabela's assaultive actions, the force applied by deputy personnel in this incident was objectively reasonable, within Department Policy, and properly reported.

Witness Interview(s)

WITNESS DEPUTY [redacted] STATEMENT

Deputy [redacted] said he was standing near the "C" ramp door in the main hallway while monitoring the inmates walking to the exercise yard. During this time, he looked toward the end of the hallway (East end) and saw several deputies on the ground fighting with an inmate (Inmate Fabela). He immediately ran toward the altercation and put out a "415 deputy involved" via his radio. Deputy [redacted] said he could see Deputies [redacted] Alatorre and Schaefer attempting to handcuff Inmate Fabela. He could see Inmate Fabela kicking his feet and attempting to keep his hands under his body. Deputies [redacted] and Alatorre were able to gain control of Inmate Fabela's hands. Deputy [redacted] assisted both deputies with handcuffing Inmate Fabela. During this time, Inmate Fabela was secure and not resisting any further. Deputy [redacted] assisted Inmate Fabela to his feet and escorted him to the front of module 362 without incident.

WITNESS DEPUTY DECASAS' STATEMENT

Deputy Decasas said he was providing security at the Dorm 327 exercise yard cut-out door when the incident occurred. He saw approximately four inmates in the hallway facing the wall. While taking a few steps toward the main hall, Deputy Decasas saw several deputies (Alatorre, Schaefer and [redacted]) struggling to gain control of Inmate Fabela. He saw that there appeared to be sufficient personnel at the scene to assist the involved deputies. Deputy Decasas directed his attention to an inmate [redacted] near the door leading to the exercise yard to make sure he would not get involved in the incident. By the time Deputy Decasas walked back into the hallway, Inmate Fabela had been handcuffed. Other than the initial struggling incident, he did not witness anything further.

WITNESS CUSTODY ASSISTANT NELSON'S STATEMENT

Officer Nelson said he was providing security at the Dorm 327 exercise yard cut-out door. During this time, he heard a "415 deputy main hall" over his radio. Officer Nelson looked around the wall (which was blocking

his view) and saw several deputies (Alatorre, [redacted] and Schaefer) struggling and wrestling to gain control of an inmate (Inmate Fabela). Officer Nelson was approximately 20 feet from the above incident. He saw there were sufficient personnel at the scene. He also believed there was a possibility the inmate directly in front of him, who was facing the wall, may decide to get involved. Therefore, he ordered that inmate to the ground. The unknown inmate complied and Officer Nelson's attention was directed toward that inmate. Officer Nelson did not witness any further actions by deputy personnel.

WITNESS DEPUTY SCHNEREGER'S STATEMENT

Deputy Schnereger said he had just searched one inmate to the left (west) of Inmate Fabela. Deputy Schaefer then began to search Inmate Fabela. Deputy Schnereger said he heard Deputy Schaefer order Inmate Fabela to spread his feet farther apart. He saw Deputy Alatorre grab Inmate Fabela's left arm. Deputy Schnereger directed his attention toward the uninvolved inmates that had been searched or were awaiting to be searched. Several seconds later, he heard a scuffle between Deputy Alatorre and Inmate Fabela. He saw Deputy [redacted] run toward the incident. Deputy Schnereger drew his attention toward the uninvolved inmates and ordered them (two inmates) to lay on the ground. He said they both complied. Deputy Schnereger monitored both uninvolved inmates to make sure they would not join in the incident. He eventually handcuffed one of the uninvolved inmates and escorted him to the yard cut out via the infirmary area.

INMATE WITNESS [redacted]

Inmate [redacted] said he was present when the incident occurred in the hallway. However, he did not see anything. He said he heard arguing and "stop refusing." He said the deputies told him [redacted] to get on the ground (around the corner next to the exercise yard cut-out door). Inmate [redacted] can be seen on CCTV footage standing (then kneeling) around the corner and out of view from the personnel involved in the incident. It does not appear he could have seen any of the incident from that position.

INMATE WITNESS [redacted]

Inmate [redacted] said [redacted] during the incident. He said Inmate Fabela was already facing the wall when he (Inmate [redacted]) walked by and was told to face the wall. While Inmate [redacted] was being searched by a deputy, he heard a unknown deputy tell Inmate Fabela to move back a little and spread his legs apart. He heard the deputy tell Inmate Fabela to spread his legs farther apart. Inmate [redacted] said he does not know if Inmate Fabela complied with the deputy's orders.

Inmate [redacted] said [redacted] while being searched when he saw a deputy kick Inmate Fabela's left leg apart. Inmate [redacted] saw Inmate Fabela fall to the ground. He saw two deputies attempting to restrain Inmate Fabela as they told him to "not refuse." At the same time, he heard Inmate Fabela say he was not refusing. Inmate [redacted] did not see anything after that point. He only heard the deputies and Inmate Fabela struggling on the ground. He was then escorted outside to the exercise yard by the deputy who was searching him. While outside, he heard screaming which he believes was Inmate Fabela. Inmate [redacted] said a tall Hispanic deputy was the person who searched him (Inmate [redacted]) during the incident.

INMATE WITNESS [redacted]

Inmate [redacted] said he was facing the wall and was several feet away [redacted] Inmate Fabela. He initially said an inmate (Inmate [redacted] was standing between Inmate Fabela and himself. Later in my interview, Inmate [redacted] said [redacted] to Inmate Fabela (to the east) and [redacted]

[redacted] Inmate [redacted] heard the deputy tell Inmate Fabela to spread his feet apart. Inmate [redacted] did not actually see if Inmate Fabela complied. However, he assumed Inmate Fabela spread his feet apart because he could hear the shuffling of feet. He said the deputy told him to spread his feet apart again. He said shortly thereafter, Inmate Fabela was on the ground. Inmate [redacted] said he did not hear any comments from the deputies or Inmate Fabela. He also did not witness what happened once Inmate Fabela was on the ground.

INMATE WITNESS [redacted]

Inmate [redacted] said he was [redacted] from Inmate Fabela. Inmate [redacted] said he and the other inmates were being searched while against the wall. He said the deputies started, "Throwing us on the ground." He said within three seconds, Inmate Fabela started screaming, "Alright, I'm doing whatever you are saying. Ok, I haven't done nothing!" He said he did not actually see what happened to Inmate Fablela in regards to the altercation with deputies. Inmate Fabela, while being searched, was approximately [redacted] He said the deputies threw all of the inmates, including him, on the floor at the same time. He said all the inmates were handcuffed while being searched. Later in my interview, he reiterates that Inmate Fabela and all the other inmates (approximately five total) in the hallway were handcuffed during the incident. I tried to clarify if he (Inmate [redacted] was thrown on the ground. Inmate [redacted] said when he was asked to go to the ground, he went to the ground. He was not personally thrown on the ground as he initially indicated. Inmate [redacted] said he didn't see anything but only heard the struggling with Inmate Fabela.

I reviewed the CCTV footage regarding Inmate [redacted] allegation he and other inmates were thrown on the ground and were handcuffed during the incident. I could see Inmate [redacted] was not handcuffed until after the incident. He can be seen placing his shoe back on his foot after being searched in the hallway. In regards to the other uninvolved inmates (Inmate [redacted], Inmate [redacted] and Inmate [redacted], it also did not appear any of them were handcuffed until after the incident. At no point did I see any uninvolved inmates being "thrown" to the ground. It appeared Deputy Schnereger was ordering the inmates to the ground while pointing to the ground. Each of those inmates laid on the ground as instructed.

Inmate [redacted] said he was eventually escorted towards the infirmary and out to the rear exercise yard entrance by an unknown female (Deputy Macias-Duvo [redacted]). He is not sure who the inmate was that was escorted to the exercise yard with him.

There was one unidentified Hispanic inmate who was standing between Inmate Fabela and Inmate [redacted] He is seen being escorted from the incident toward the west end of the hallway by Deputy Schnereger [redacted]. I was unable to identify this inmate.

Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☒ **Supervising Sergeant**

INMATE FABELA, ERICK (#1656879)

I conducted a videotaped interview with Inmate Fabela in the Line Sergeant's Office on January 5, 2008 at approximately 1943 hours. Inmate Fabela said his true name is Ivan Fabela (d.o.b. 07-22-86). He said he used his brother's name (Erick) when he was booked. Inmate Fabela said he was walking from Dorm 335 to the exercise yard when he was stopped by an unknown deputy (described Deputy Alatorre) for having his pants tucked in his socks. He was told to face the wall. Inmate Fabela said three other inmates had been

searched in the hallway by deputies prior to him being searched. Inmate Fabela said those inmates were escorted to the yard and he was the only inmate left with other deputies present.

Inmate Fabela said an unknown deputy grabbed his shirt and escorted him to the middle of the hallway. The deputy told him to spread his legs and interlace his fingers; which he did. The deputy told him to spread his legs farther apart. Inmate Fabela said the deputy told him that if he didn't spread his legs apart, he (the deputy) would do it for him. He said the deputy then kicked his right leg. He said this caused him to lose his balance and fall to the floor. He said he just wanted to go on the floor and not put up a fight. However, he said he began to feel "fists to his face." Inmate Fabela said he put his hands behind his back as he was instructed but he continued to get hit on his face with a fist. He said he saw the unknown deputy striking him with his fist. He said unknown personnel put their knee on his back area. During this time, he was also getting struck on his legs by an unknown weapon/object. He said a lot of deputies were running to the scene and he (Inmate Fabela) complied by placing his hands behind his back. He said he was handcuffed and escorted away from the area.

Inmate Fabela said the deputy that searched him was not the same deputy that told him to stop and face the wall. He described the searching deputy as tall, light skinned, possibly Hispanic or Caucasian with black spiked up hair (possibly describing Deputy [redacted]).

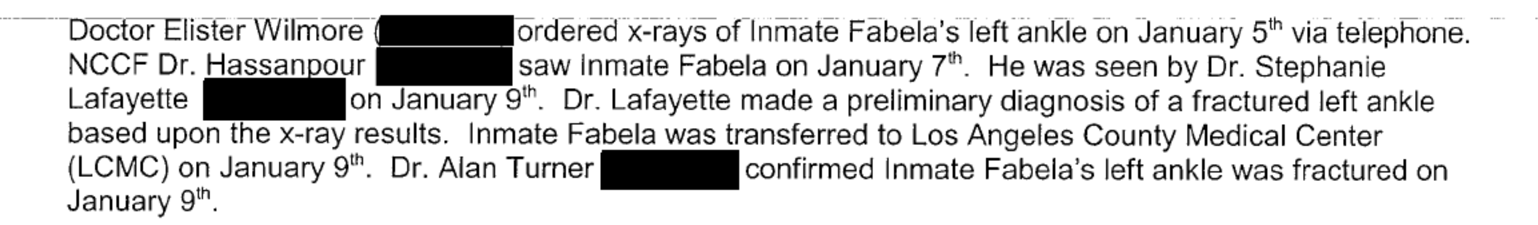
I asked Inmate Fabela if he had said anything to the deputies at any point during the incident. He said he did not. However, when I rephrased the question, he said he told the deputies, "What did I do? I didn't do anything. I'm complying with you guys." I asked Inmate Fabela how far he spread his feet apart when the deputy (Deputy Schaefer) instructed him to spread them. Using his hands to demonstrate, Inmate Fabela spread his hands approximately 2 feet apart. He said the deputy told him to spread his legs farther apart. While still demonstrating with his hands, he moved his feet apart to approximately 3 feet. He was told a third time to spread his legs apart. He said he complied and his feet were almost in a split position. Inmate Fabela said the deputy said he didn't like the way he (Inmate Fabela) was spreading his legs apart and that he (the deputy) would spread them for him. At that point, the deputy kicked his right leg farther apart. Inmate Fabela said this caused him to fall to the ground.

Inmate Fabela said he was hit with a fist(s) on the left side of his face and top right area of his head. He said a flashlight or some other weapon was used on his left leg and ankle. He reiterated that he never resisted the deputies nor did he say anything negative to any of them. I could see swelling and redness to his left eye and cheek area. I saw a slight redness on the right rear top portion of his head. I could also see swelling to his left ankle.

Inmate Fabela said he did not know any of the deputies by name and had never had any problems with any of them in the past. He said during the incident, the deputies were yelling at him to stop resisting. He said he initially put his hands out to support himself as he fell to the ground. Once on the ground he immediately put his hands behind his back.

Medical Review

Inmate Fabela was treated at the PDC-East Infirmary by Nurse Godofredo Lopez RN ([redacted]) at approximately 1445 hours. Nurse Lopez noted swelling below Inmate Fabela's left orbit (eye) and his left ankle. Inmate Fabela was given a cold ice pack for his eye and ankle. He was also given pain pills. He was transferred to NCCF to be placed on a medical line for January 6, 2009.


Doctor Elister Wilmore ([redacted] ordered x-rays of Inmate Fabela's left ankle on January 5th via telephone. NCCF Dr. Hassanpour [redacted] saw Inmate Fabela on January 7th. He was seen by Dr. Stephanie Lafayette [redacted] on January 9th. Dr. Lafayette made a preliminary diagnosis of a fractured left ankle based upon the x-ray results. Inmate Fabela was transferred to Los Angeles County Medical Center (LCMC) on January 9th. Dr. Alan Turner [redacted] confirmed Inmate Fabela's left ankle was fractured on January 9th.

Training & Tactical Review

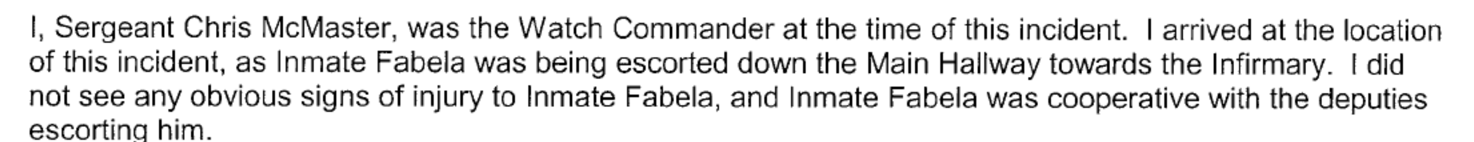
☒ **Debriefing held to discuss training and tactical issues.**

I commended the witnessing deputies for monitoring the uninvolved inmates so they would not get involved in the incident. In regards to the involved deputies, I discussed the option of using the taser (with darts) or using the taser as a drive stun (without darts). I also discussed the use of Oleoresin Capsicum (O.C.) spray.

Deputy Schaefer said he did not have a taser assigned to him. He said he felt the use of Oleoresin Capsicum spray could not be safely used without possibly effecting Deputy Alatorre. Deputy Alatorre did have a taser assigned to him. He agreed a taser could have been another option to use at that time.

Watch Commander's Review

Review by: Christopher J. McMaster, Sergeant, employee number [redacted]


I, Sergeant Chris McMaster, was the Watch Commander at the time of this incident. I arrived at the location of this incident, as Inmate Fabela was being escorted down the Main Hallway towards the Infirmary. I did not see any obvious signs of injury to Inmate Fabela, and Inmate Fabela was cooperative with the deputies escorting him.

I reviewed the CCTV footage of the incident, along with all the applicable reports submitted by the involved personnel, and the Use of Force report submitted by Sergeant Nagelmann. Based on my review, I find the force used by the deputies in this situation, was objectively reasonable and in accordance with the Department's situational use of force options chart, and use of force policy. The force used was necessary to stop Inmate Fabela from fighting with the deputies, and to reduce the risk of potential injury to Department Personnel who were involved. In addition, Inmate Fabela's action of pulling his hands under his body, caused this situation to fall into the "high risk" category on the Situational Use of Force Options Chart. It is objectively reasonable to believe his actions could be interpreted as an attempt to either conceal, or retrieve a weapon he may have had concealed in his waist band area. Based on Inmate Fabela's actions coupled with the fact he was attempting to assault the deputies who were trying to control him, I find the use of personal weapons and impact weapons, as being objectively reasonable to gain positive control of this situation, and to end this incident as quickly and safely as possible.

Even though the taser is more often than not, the preferred option in a "high risk" situation, it is not always prudent or one hundred percent effective in all situations. In order for the taser to be deployed in this situation, it would have been necessary for the deputies to dis-engage from Inmate Fabela. Based on my review, I find that dis-engaging from Inmate Fabela, could have put the deputies at an undo risk, if in fact Inmate Fabela was attempting to retrieve a weapon. Based on this, I find the use of personal weapons and impact weapons, as objectively reasonable in this situation. I also find the force was properly reported and documented by all personnel involved in this incident, and I recommend no further action be taken with regards to this use of force.

Witness [redacted] said he, and several other inmates, were thrown to the ground by several unknown deputies, when this incident first started. I reviewed the CCTV footage and could not see any other deputies or custody assistants taking other inmates to the ground during the duration of this incident. Based on my review, I find no merit to Inmates [redacted] statement, as I did not see any Department Personnel acting inappropriately.

Due to the fact Inmate Fabela had a head injury and a swollen ankle as a result of the application of force, I contacted Internal Affairs Bureau, Lieutenant Ault [redacted], and advised her of the circumstances regarding this incident. Lieutenant Ault stated, Internal Affairs would not respond to the facility at that time. I completed the Internal Affairs Bureau, Mandatory Notification Form, and e-mailed it to Lieutenant Ault on January 5, 2009 at 1910 hours. The Internal Affairs Bureau, Mandatory Notification Form is attached to this Use of Force packet.

On January 9, 2009, it was determined by Dr. Alan Turner [redacted] that Inmate Fabela had a fractured left ankle. The information regarding Inmate Fabela's ankle, was not relayed to me until April 9, 2009. I contacted Internal Affairs Bureau, Lieutenant Ault [redacted], at 1000 hours on April 9, 2009, and provided her with the updated information. Lieutenant Ault stated Internal Affairs Bureau would not be responding to conduct a follow up investigation, and Pitchess Detention Center East Facility, would remain in charge of any subsequent investigation.

The time line of events regarding when Pitchess Detention Center East Facility personnel became aware of Inmate Fabela's broken ankle, and my notification to Internal Affairs Bureau, are as follows:

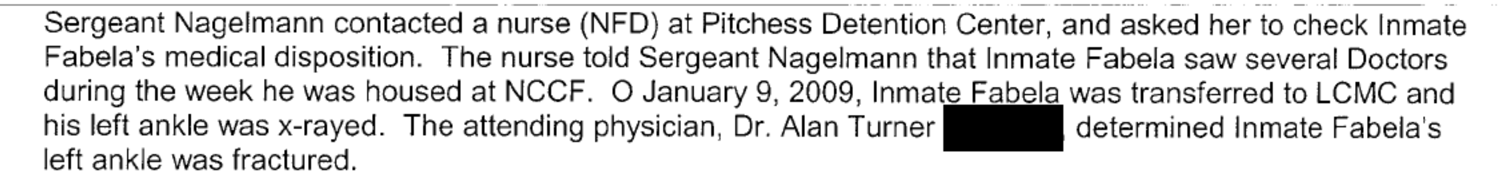
January 5, 2009:

Inmate Fabela is taken to the Pitchess Detention Center Facility Infirmary and treated by Nurse Lopez [redacted] Inmate Fabela is referred to the medical line for further evaluation. After the preliminary evaluation was completed, Nurse Lopez told Sergeant Nagelmann he did not believe Inmate Fabela's left ankle was broken.

January 7, 2009:

Sergeant Nagelmann contacted the NCCF Infirmary and spoke to a nurse (NFD) who told him she could not provide any updated medical status on Inmate Fabela. The only information she could provide was that Inmate Fabela was still housed at NCCF, and had not been to the doctor's line as of this date.

February 1, 2009:


Sergeant Nagelmann contacted a nurse (NFD) at Pitchess Detention Center, and asked her to check Inmate Fabela's medical disposition. The nurse told Sergeant Nagelmann that Inmate Fabela saw several Doctors during the week he was housed at NCCF. O January 9, 2009, Inmate Fabela was transferred to LCMC and his left ankle was x-rayed. The attending physician, Dr. Alan Turner [redacted] determined Inmate Fabela's left ankle was fractured.

April 9, 2009:

I, Sergeant McMaster, became aware of Inmate Fabela's fractured ankle, and I immediately notified Internal Affairs Bureau, Lieutenant Ault [redacted].

Case Status